

DEPARTMENT OF EDUCATION
STATE TENURE COMMISSION
TEACHER TENURE GENERAL RULES

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 34, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the state tenure commission by section 10 of article 7 of 1937 PA (Ex Sess) 4, MCL 38.140 and section 63 of 1969 PA 306, MCL 24.263)

R 38.132, R 38.142, R 38.145, R 38.171 and R 38.176 of the Michigan Administrative Code are amended as follows:

R 38.132 Meetings of commission.

Rule 2. The chairperson of the commission or a majority of its members may call a session of the commission. The hours of the commission when in session shall be from ~~9~~ **8** a.m. to 12 noon and ~~4:30~~ **1:00** p.m. to 5 p.m. except as otherwise ordered by the commission.

R 38.142 Form and style of papers.

Rule 12. (1) Pleadings and other documents filed with the commission shall be legibly printed or typewritten and shall be on 1 side only of white bond paper not more than 8 ½ inches wide and 11 inches long. Pleadings and briefs shall be filed with the commission along with ~~6 copies~~ **1 copy, except as required by R 38.143, R 38.147 and R 38.176,** signed by the attorney, appealing party, or controlling board member. The commission may waive filing of the extra copies. The proper caption and docket number shall be placed on all papers filed. The given name and surname of the party shall be set forth in the caption.

(2) The signature of an attorney or party, whether or not the party is represented by an attorney, constitutes a certification by the signer of all of the following:

- (a) He or she has read the pleading.
- (b) To the best of his or her knowledge, information, and belief formed after reasonable inquiry, the pleading is well-grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law.
- (c) The pleading is not interposed for any improper purpose, such as to harass or cause unnecessary delay or needless increase in the cost of the proceedings.

R 38.145 Filing.

Rule 15. (1) Pleadings or other papers under these rules shall be filed with the office of the commission and shall be received by the commission before the close of business on the last day of the time limit, if any, for the filing.

(2) The commission shall permit filing of pleadings and documents by use of facsimile (fax) communication equipment **or by electronic submission** as follows:

- (a) All ~~fax~~ filings **sent by fax or electronically** shall be typewritten, excluding any required signatures, on 8 1/2" by 11" paper.

- (b) The total number of pages of any ~~faxed~~ pleading or document **sent by fax or electronically** shall not exceed 20 pages.
- (c) Every fax filing shall include a cover sheet containing the following information:
 - (i) The case name.
 - (ii) The docket number.
 - (iii) The name and telephone number of the sender.
 - (iv) The number of pages being transmitted.
- (d) Pleadings or documents filed by fax **or electronically** which are received after 5:00 p.m. will not be considered filed until the next business day.
- (e) ~~The faxing~~ **If pleadings or other papers are sent by fax or electronically, the sending party shall mail 6 additional copies of the faxed document or pleading, as required by these rules,** to the commission and shall serve the document or pleading as required by R 38.142, R 38.144 and R 38.146.

R 38.171 Notice of hearing.

Rule 41. An administrative law judge shall furnish to each party a notice of hearing establishing the date and place of the hearing. The hearing date shall not be less than 10 days after the date the notice of hearing is furnished and shall not be more than ~~60~~ **45** days after service of the controlling board's answer, unless the administrative law judge grants a delay for good cause shown by the teacher or controlling board.

R 38.176 Exceptions briefs.

Rule 46. (1) Within the time allowed by the act, a party shall file an original and 6 copies of the brief and of the statement of exceptions, statement of cross-exceptions, or statement in support of the preliminary decision and order. **If a party files an exception to a written ruling of the administrative law judge on a motion, the party shall file 6 copies of the motion decision and any associated pleadings.**

(2) The argument presented in a brief in support of the statement of exceptions or statement of cross-exceptions shall correspond to the statement of exceptions or cross-exceptions.

(3) Except as permitted by order of the commission, briefs are limited to 50 double-spaced pages, exclusive of tables, indexes, appendices, and title page. Quotations and footnotes may be single-spaced. At least 1-inch margins shall be used, and printing shall not be smaller than 12-point type.

(4) The brief shall contain, in the following order, all the following items:

(a) A table of contents, listing the exceptions or cross-exceptions, in the order of presentation, with the numbers of the pages where the discussion of the exceptions or cross-exceptions appear in the brief.

(b) An index of authorities, listing in alphabetical order all case authorities cited, with the complete citations including the years of decision, and all other authorities cited, with the numbers of the pages where they appear in the brief. Parallel citations of Michigan statutes are required.

(c) A statement of facts, which shall be supported by specific page references to the record. Page references to the record shall also be given to show whether the issue was preserved for review by appropriate objection or by other means.

(d) The arguments, each portion of which shall be prefaced by the principal point stated in capital letters or boldface type.

(e) The relief requested.

(f) A signature.

(5) If, on its own initiative or on a party's motion, the commission concludes that a brief does not substantially comply with the requirements in this rule, the commission may order the party who filed the brief to file a supplemental brief within a specified time correcting the deficiencies or the commission may strike the nonconforming brief.